

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.619 of 2020

Arising Out of PS. Case No.-729 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

-
1. Raja Thakur Son of Late Shiv Shankar Thakur
 2. Appu Thakur Son of Dinesh Thakur
Both Resident of Village-Patahi, P.S.-Sadar, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr.Md. Shakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Sadar P.S. Case No. 729/19 registered for the offences
punishable under Sections 144, 272, 273, 286, 290 of the Indian
Penal Code, 27 of the Arms Act and Sections 30(a), 37 (B, C,
D) of the Bihar Prohibition and Excise Act, 2016 .

Four bottles of Indian made foreign liquor, out of
which two bottles were empty whereas half of two bottles
contained Indian made foreign liquor, were recovered from the
door of the petitioners.

Since, Section 76(2) of the Bihar Prohibition and



Excise Act, 2018 prohibits to entertain petition under Section 438 of the Code of Criminal Procedure in the cases registered for the offences of above stated Act, in my view, this anticipatory bail petition is not maintainable and, accordingly, this petition stands dismissed being not maintainable.

However, petitioners are directed to surrender before the court below within six weeks from today and if they do so and seek regular bail, the concerned court shall consider the regular bail petition of the petitioners on its own merit without being prejudiced by this rejection order taking into consideration the quantity of recovery made in this case and also taking note of this fact that the alleged recovery has not been made from conscious possession of the petitioners.

(Hemant Kumar Srivastava, J)

Spd/-

U		T	
---	--	---	--

